

## EW – Earthworks

### Introduction

Earthworks are an integral part of development, as they prepare land (including the formation of building platforms) to be used for living, business and recreation, and are often essential to the construction of foundations, buildings, and structures. Earthworks also form part of normal agricultural and horticultural practices in the rural environment.

Commented [RM1]: S42.028 NZ Pork - Earthworks Topic, Key Issue 3

This chapter also includes provisions relating to mining, quarries, and gravel extraction.

In terms of mineral, aggregate and hydrocarbon extraction, there are significant aggregate deposits in the District and there is potential for discovery of minerals and hydrocarbon deposits in the future. Buildings, roads, and many surfaces used for business, land based primary production, education and recreation depend on a continuing supply of aggregates of various kinds. Most gravel extracted in the District is from river sources. Gravel extraction from riverbeds is controlled by the Hawke's Bay Regional Council.

Whilst integral to development, earthworks can have adverse effects on the environment if not appropriately managed.

When land contours are disturbed or altered through earthworks, mineral, aggregate and hydrocarbon extraction, this can have significant environmental effects on:

- The surface drainage patterns of land;
- Visual amenity values;
- Soil erosion potential;
- The life-sustaining capacity of soils;
- The disturbance of ecosystems, watercourses, and waterbodies;
- The disturbance of areas of natural, cultural and heritage values; and
- The safety of people and the community where earthworks could cause subsidence, slippage, or inundation of land.

The earthworks provisions have been developed to ensure earthworks and minerals extraction are managed appropriately to avoid, remedy, or mitigate potential adverse effects.

### Objectives

**EW-O1** Protect the safety of Enable people and communities to carry out earthworks, while and avoiding, remedying or mitigatinge the adverse environmental effects of earthworks, including on the health and safety of people.

Commented [RM2]: S121.072 Fed Farmers - Earthworks Topic, Key Issue 1

**EW-O2** Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment

are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.

Commented [RM3]: S75.081 Forest & Bird - Earthworks Topic, Key Issue 6

## Policies

### Earthworks

**EW-PX** To enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.

Commented [RM4]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Hort NZ in relation to submission point S81.086, and also S42.029 NZ Pork

**EW-P1** To avoid, remedy or mitigate the adverse effects of earthworks which:

1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and
2. result in adverse effects on the stability of land, structures or buildings.

**EW-P2** To ensure earthworks are appropriately located, and designed and managed to avoid, remedy or mitigate adverse effects by:

1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and
2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system; and
3. controlling the effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.

Commented [RM5]: S11.031 HBRC - Earthworks Topic, Key Issue 1

**EW-P3** To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.

**EW-P4** Where appropriate, to require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.

Commented [RM6]: S121.076 Fed Farmers - Earthworks Topic, Key Issue 1

**EW-P5** To protect the highly productive land of Central Hawke's Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.

**EW-P6** To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory

assessment, such as through subdivision provisions and Building Act 2004 controls.

**EW-P7** To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, **heritage items, and wāhi tapu, wāhi taonga and sites of significance to Māori, and culturally sensitive sites** are avoided, remedied or mitigated.

*Refer also the policies in the SASM chapter in relation to wāhi tapu, wāhi taonga and sites of significance to Māori.*

Commented [RM7]: S55.065 Heritage NZ - Earthworks Topic, Key Issue 1

Commented [RM8]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommended wording in response to evidence from Kairakau Lands Trust in relation to submission point S84.014

### Mining, Quarrying and Hydrocarbon Extraction

**EW-P8** To **provide for the enable** prospecting and exploration of minerals where the adverse effects on the environment **are avoided, remedied or mitigated will be minor.**

Commented [RM9]: S75.087 Forest & Bird - Earthworks Topic, Key Issue 6

**EW-P9** To **provide for farm enable** quarries **ancillary to farming** and forestry **quarrying** activities to be established in rural areas **where the adverse effects on the environment are avoided, remedied or mitigated.**

Commented [RM10]: S121.081 Fed Farmers - Earthworks Topic, Key Issue 6

Commented [RM11]: S75.088 Forest & Bird - Earthworks Topic, Key Issue 6

**EW-P10** To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying and hydrocarbon extraction activities.

**EW-P11** To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:

1. the size and scale of extraction activities and the expected length of operation of the extraction site;
2. the design and layout of the site, the access roads and supporting facilities;
3. that adequate measures will be used to:
  - a. manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;
  - xx. manage the potential effects of dust on any nearby primary production activities including, for horticultural land use, the effects of dust on produce;**
  - b. manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;
  - c. avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within the extraction site and the effects of discharges from the site into the neighbouring environment;

Commented [RM12]: S81.087 Hort NZ - Earthworks Topic, Key Issue 6

- d. maintain land stability;
  - e. protect identified Outstanding Natural Landscapes and Features, and avoid or mitigate adverse effects on visual and landscape values;
  - xx. protect identified Significant Natural Areas, and avoid or mitigate adverse effects on indigenous biodiversity;
  - xx. protect the natural character of the coastal environment;
  - f. protect historic heritage; and
  - g. protect wāhi tapu, wāhi taonga and sites of significance to tangata whenua.
4. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the extraction site.

Commented [RM13]: S75.089 Forest & Bird - Earthworks Topic, Key Issue 6

**EW-P12** To require a quarry management plan to be prepared to address operational matters associated with the activities on the extraction site, including management of adverse effects and actions to avoid, remedy, mitigate these effects.

### Rule Overview Table

Use/activity	Rule Number
Specified Earthworks	EW-R1
Ancillary rural earthworks	EW-R2
Mineral prospecting and exploration activities	EW-R3
Mining and quarrying activities	EW-R4
Earthworks and vertical holes within the National Grid Yard	EW-R5
Earthworks within 20 metres of the Gas Transmission Network	EW-R6
All other earthworks not otherwise provided for	EW-R7

### Rules

*Note 1: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses fill, spoil, sediment, stabilisation etc associated with plantation forest activities.*

*Note 2: The provisions of this chapter also apply to earthworks associated with subdivision e.g. earthworks to facilitate formation of vehicle access and building platforms.*

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving earthworks or land disturbance.

EW-R1 Specified Earthworks		
All Zones	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <p>a. The earthworks are associated with site preparation works for a building, the area (m<sup>2</sup>) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1 Slope, and EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 Site Reinstatement and EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), and complies with EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>d. The earthworks are associated with gravel extraction within the bed of a river.</p>	<p><b>2. Activity status where compliance not achieved: EW-R2 to EW-R7 apply</b></p>

Commented [RM14]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM15]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM16]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM17]: S11.030 HBRC - Earthworks Topic, Key Issue 2

Note: Gravel extraction within the bed of a river is subject to rules administered by the Hawke's Bay Regional Council.

**EW-R2 Ancillary rural earthworks**

<p><b>General Rural Zone</b></p> <p><b>Rural Production Zone</b></p> <p><b>Rural Lifestyle Zone</b></p>	<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> <li>i. EW-S2;</li> <li>ii. EW-S3;</li> <li>iii. EW-S4;</li> <li>iv. EW-S5;</li> <li>v. EW-S6;</li> <li>vi. EW-S7; and</li> <li>vii. EW-S8.</li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. EW-AM1.</li> <li>b. EW-AM2.</li> <li>c. EW-AM3.</li> <li>d. EW-AM4.</li> <li>e. EW-AM5.</li> <li>f. EW-AM6.</li> <li>g. EW-AM7.</li> <li>h. EW-AMX.</li> </ul>
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Commented [RM18]: consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

**EW-R3 Mineral prospecting and exploration activities**

<p><b>All Zones</b></p>	<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> <li>i. EW-S1;</li> <li>ii. EW-S2;</li> <li>iii. EW-S3;</li> <li>iv. EW-S4;</li> <li>v. EW-S5;</li> <li>vi. EW-S6;</li> <li>vii. EW-S7;</li> <li>viii. EW-S8;</li> <li>ix. EW-SX.</li> </ul> <p>b. Compliance with EW-S9.</p>	<p><b>2. Activity status where compliance with condition EW-R3(1)(a) is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. EW-AM1.</li> <li>b. EW-AM2.</li> <li>c. EW-AM3.</li> <li>d. EW-AM4.</li> <li>e. EW-AM5.</li> <li>f. EW-AM6.</li> <li>g. EW-AM7.</li> <li>h. EW-AM8.</li> <li>i. EW-AMX.</li> </ul> <p><b>3. Activity status where compliance with condition EW-R3(1)(b) is not achieved: DIS</b></p>
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Commented [RM19]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.068 Heritage NZ

Commented [RM20]: consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

**EW-R4 Mining and quarrying**

<p><b>General Rural Zone</b></p> <p><b>Rural Production Zone</b></p>	<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <p>a. The activity is for a farm quarry.</p> <p>b. Compliance with:</p> <p>i. EW-S1;</p> <p>ii. EW-S2;</p> <p>iii. EW-S3;</p> <p>iv. EW-S4;</p> <p>v. EW-S5;</p> <p>vi. EW-S6;</p> <p>vii. EW-S7; <del>and</del></p> <p>viii. EW-S8; <del>and</del></p> <p>ix. <del>EW-SX</del>.</p>	<p><b>2. Activity status where compliance with conditions EW-R4(1)(a) and/or EW-R4(1)(b) is not achieved: DIS</b></p>
<p><b>Rural Lifestyle Zone</b></p> <p><b>Settlement Zone</b></p> <p><b>Large Lot Residential Zone (Coastal)</b></p> <p><b>General Residential Zone</b></p> <p><b>Commercial Zone</b></p> <p><b>General Industrial Zone</b></p>	<p><b>2. Activity Status: NC</b></p> <p>Where the following conditions are met: N/A</p>	<p><b>4. Activity status where compliance not achieved: N/A</b></p>
<p><b>EW-R5 Earthworks and vertical holes within the National Grid Yard</b></p>		
<p><b>All Zones</b></p>	<p><b>3. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <p>a. The earthworks must be no deeper (measured vertically) than 300mm within <del>6m</del><b>12m</b> of the outer visible edge of any National Grid support-structure foundation, <del>and no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid</del></p>	<p><b>4. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <p>a. EW-AM1.</p> <p>b. EW-AM2.</p> <p>c. EW-AM3.</p> <p>d. EW-AM4.</p>

Commented [RM21]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.069 Heritage NZ

	<p><u>support-structure foundation, except under the following circumstances:</u></p> <ul style="list-style-type: none"> <li>i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or</li> <li>ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</li> <li>iii. vertical holes not exceeding 500mm in diameter, provided they: <ul style="list-style-type: none"> <li>a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or</li> <li>b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation.</li> </ul> </li> <li>b. Compliance with: <ul style="list-style-type: none"> <li>i. EW-S1;</li> <li>ii. EW-S2;</li> <li>iii. EW-S3;</li> <li>iv. EW-S4;</li> <li>v. EW-S5;</li> <li>vi. EW-S7;</li> <li>vii. EW-S8; and</li> <li>viii. EW-S9.</li> </ul> </li> <li>c. Compliance with EW-S6.</li> </ul>	<ul style="list-style-type: none"> <li>e. EW-AM5.</li> <li>f. EW-AM6.</li> <li>g. EW-AM7.</li> <li>h. Impacts on the operation, maintenance, upgrading and development of the National Grid.</li> <li>i. The risk to the structural integrity of the affected National Grid support structure.</li> <li>j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.</li> <li>k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</li> <li>l. Technical advice provided by the National Grid owner (Transpower).</li> <li>m. Any effects on National Grid support structures including the creation of an unstable batter.</li> </ul> <p><b>3. Activity status where compliance with condition EW-R5(1)(c) is not achieved: NC</b></p>
<b>EW-R6 Earthworks within 20m of the Gas Transmission Network (including ancillary rural earthworks)</b>		
<b>All Zones</b>	<p><b>1. Activity Status: PER</b></p> <p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Compliance with: <ul style="list-style-type: none"> <li>i. EW-S1;</li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p>

**Commented [RM22]:** Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S121.087 Federated Farmers in response to evidence from Federated Farmers and Transpower

**Commented [RM23]:** minor clause 16 amendment for clarification (FS3.018 First Gas) - Earthworks Topic, Key Issue 3



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| <ul style="list-style-type: none"> <li>ii. EW-S2;</li> <li>iii. EW-S3;</li> <li>iv. EW-S4;</li> <li>v. EW-S5;</li> <li>vi. EW-S6;</li> <li>vii. EW-S7; <del>and</del></li> <li>viii. EW-S8; <del>and</del></li> <li>ix. <del>EW-SX.</del></li> </ul> | <ul style="list-style-type: none"> <li>a. EW-AM1.</li> <li>b. EW-AM2.</li> <li>c. EW-AM3.</li> <li>d. EW-AM4.</li> <li>e. EW-AM5.</li> <li>f. EW-AM6.</li> <li>g. EW-AM7.</li> <li>ga. EW-AMX.</li> <li>h. The risk of hazards affecting public or individual safety, and the risk of property damage.</li> <li>i. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline.</li> <li>j. Technical advice, including an assessment of the level of risk.</li> <li>k. The outcome of any consultation with the owner and operator of the gas transmission pipeline</li> </ul> |
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**Commented [RM24]:** Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.070 Heritage NZ

**Commented [RM25]:** consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

**EW-R7 All Other Earthworks not otherwise provided for**

All Zones	1. Activity Status: PER	2. Activity status where compliance not achieved: RDIS
	<p><b>Where the following conditions are met:</b></p> <ul style="list-style-type: none"> <li>a. Compliance with:               <ul style="list-style-type: none"> <li>i. EW-S1;</li> <li>ii. EW-S2;</li> <li>iii. EW-S3;</li> <li>iv. EW-S4;</li> <li>v. EW-S5;</li> <li>vi. EW-S6;</li> <li>vii. EW-S7; and</li> <li>viii. EW-S8.</li> </ul> </li> </ul>	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>a. EW-AM1.</li> <li>b. EW-AM2.</li> <li>c. EW-AM3.</li> <li>d. EW-AM4.</li> <li>e. EW-AM5.</li> <li>f. EW-AM6.</li> <li>g. EW-AM7.</li> <li>h. <del>EW-AMX.</del></li> </ul>

**Commented [RM26]:** S90.039 Centralines - Earthworks Topic, Key Issue 2

**Standards**

EW-S1 Slope	
General Rural Zone	1. Earthworks must be undertaken on land with a slope less than 45° above horizontal.
All Other Zones	2. Earthworks must be undertaken on land with a slope less than 22° above horizontal.
<p><b>Figure 7 – Maximum existing slope angle (excavation)</b></p> <p><b>Figure 8 – Maximum existing slope angle (filling)</b></p>	
EW-S2 Extent of Earthworks	
<p><b>Identified areas of:</b></p> <ul style="list-style-type: none"> <li>- High Natural Character (HNCs)</li> <li>- Outstanding Natural Features and Landscapes (ONFs/ONL)</li> <li>- Significant Natural Areas (SNAs)</li> </ul>	<ol style="list-style-type: none"> <li>1. Ancillary rural earthworks – maximum of 500m<sup>3</sup> per site <u>within the identified area/feature</u> in any 12-month period. Refer also Standard EW-S7.</li> <li>2. All other earthworks – maximum of 200m<sup>3</sup> per site <u>within the identified area/feature</u> in any 12-month period.</li> </ol>

Commented [RM27]: S121.090 Fed Farmers - Earthworks Topic, Key Issue 3

<b>General Rural Zone</b> (except <b>Coastal Environment, and any identified HNC, ONF/ONL or SNA areas</b> )	3. Ancillary rural earthworks – unlimited. 4. All other earthworks – maximum of 2,000m <sup>3</sup> per hectare of site in any 12-month period.
<b>Coastal Environment</b> (except any identified <b>HNC, ONF/ONL or SNA areas</b> )	<del>5. Ancillary rural earthworks – unlimited.</del> <del>6. All other earthworks – maximum of 200m<sup>3</sup> per hectare of site in any 12-month period.</del>
<b>Rural Production Zone</b> (except any identified <b>HNC, ONF/ONL or SNA areas</b> )	7. Ancillary rural earthworks – unlimited. 8. All other earthworks – maximum of 1,000m <sup>3</sup> per hectare of site in any 12-month period. 9. Removal offsite of topsoil, sand, gravel, or earth – maximum of 25m <sup>3</sup> per site in any 12-month period.
<b>Rural Lifestyle Zone</b> (except any identified <b>HNC, ONF/ONL or SNA areas</b> )	10. Maintenance of existing tracks, driveways, roads and accessways, existing drains and existing fence lines within the same formation width – maximum of 500m <sup>3</sup> per site in any 12-month period. 11. All other earthworks – maximum of 100m <sup>3</sup> per hectare of site in any 12-month period.
<b>Settlement Zone</b>  <b>Large Lot Residential Zone (Coastal)</b>  <b>General Residential Zone</b>  <b>Commercial Zone</b>  <b>General Industrial Zone</b>	12. Maximum of 50m <sup>3</sup> per site in any 12-month period.
	Notes: 1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites where a per-hectare rule applies, the volume will be calculated by multiplying the volume threshold by the total area of the subject site in hectares over any 12-month period. 2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified will

Commented [RM28]: S121.092 Fed Farmers - Earthworks Topic, Key Issue 3

*be reduced by 50% in determining the volume permitted in any 12-month period.*

**EW-S3 Vertical Extent of Excavation**

<p><b>Identified areas of:</b></p> <ul style="list-style-type: none"> <li>- High Natural Character (HNCs)</li> <li>- Outstanding Natural Features and Landscapes (ONFs/ONL)</li> <li>- Significant Natural Areas (SNAs)</li> </ul> <p>(except for HNC2, HNC6, ONL1, ONF5, ONF6, ONF7, ONF9 and ONF10)</p>	1. 2 metres
<p>HNC2 (Waimoana-Kairakau)</p> <p>HNC6 (Porangahau)</p> <p>ONF5 (Northern end of Nga Kaihinaki-a-Whata &amp; Te Whata Kokako)</p> <p>ONF6 (Silver Range)</p> <p>ONF7 (Kairakau Coastline)</p> <p>ONF9 (Parimahu)</p> <p>ONF10 (Porangahau Foredune &amp; Estuary)</p>	2. 1 metre
<p>General Rural Zone</p> <p>ONL1 (Ruahine Range)</p>	3. 5 metres
<p>All Other Zones</p>	4. 2.5 metres

**EW-S4 Site Reinstatement**

<p>All Zones</p>	<p>1. Areas disturbed by exploration, prospecting or earthworks will be stabilised, filled and/or recontoured in a manner consistent with the surrounding land as soon as practicable,</p>
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	<p>but no later than 6 months of the disturbance activity ceasing; and</p> <p>2. Where vegetation clearance occurs as a result of land disturbance (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks, network utility operations and drainage channels), disturbed areas must be re-pastured or re-vegetated as soon as practicable within 18 months of the disturbance activity ceasing.</p> <p><i>Note: Vegetation clearance and soil disturbance may also be subject to rules administered by the Hawkes Bay Regional Council.</i></p>
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**EW-S5 Control of Silt and Sediment**

<b>All Zones</b>	<p>1. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks, mining, quarrying and hydrocarbon extraction activities entering a Council reticulated network or into waterbodies.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li><i>The Hawke's Bay Regional Council's 'Hawke's Bay Waterway Guidelines – Erosion and Sediment Control, (2009, HBRC Plan Number 4109)' outlines an acceptable means of compliance with this standard.</i></li> <li><i>All other stormwater runoff across property boundaries or sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.</i></li> </ol>
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**EW-S6 Earthworks and Vertical Holes within the National Grid Yard**

<b>All Zones</b>	<ol style="list-style-type: none"> <li>The earthworks must not compromise the stability of a National Grid support structure, and</li> <li>The earthworks must not result in a reduction in ground-to-conductor clearance distances <u>as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and</u></li> <li>The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.</li> </ol>
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**Commented [RM29]:** Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S121.097 Federated Farmers in response to evidence from Federated Farmers and Transpower

**EW-S7 Ancillary Rural Earthworks**

<b>Identified areas of:</b>	<ol style="list-style-type: none"> <li>For the maintenance of existing tracks, driveways, roads and accessways only, ancillary rural earthworks must be</li> </ol>
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<ul style="list-style-type: none"> <li>- High Natural Character (HNCs)</li> <li>- Outstanding Natural Features and Landscapes (ONFs/ONL)</li> <li>- Significant Natural Areas (SNAs)</li> </ul>	<p>within the same formation width, and the landowner must take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the formation width.</p> <ol style="list-style-type: none"> <li>2. Exposed vertical cuts or batter faces must not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal.</li> <li>3. All remaining slopes must be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).</li> </ol>
<b>EW-S8 Electrical Safety Distances</b>	
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).</li> </ol>
<b>EW-S9 Mineral Prospecting and Exploration</b>	
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. Mineral prospecting and exploration:             <ol style="list-style-type: none"> <li>a. must not involve blasting; and</li> <li>b. must not be undertaken outside the hours of 0700 to 2200 hours on any day.</li> </ol> </li> </ol>
<b>EW-SX Earthworks within a scheduled Wāhi Tapu place in HH-SCHED2</b>	
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. <u>Earthworks are not within 100m of the location on the Planning Maps of a scheduled Wāhi Tapu place in HH-SCHED2, unless the earthworks are limited to interments in existing cemeteries or urupā.</u></li> </ol> <p><u>Note: for activities (including earthworks) within, or within 100m of, a site or area of significance to Māori identified in SASM-SCHED3 refer SASM chapter of the PDP.</u></p>

Commented [RM30]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.071 Heritage NZ

### Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

#### EW-AM1 Land Disturbance and Vegetation Clearance

1. The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:
  - a. The life-supporting capacity of soils.
  - b. Soil erosion and stability.

- c. Soil runoff and sedimentation.
  - d. Natural landforms and contours.
  - e. Flora and fauna.
  - f. Significant cultural sites (wāhi tapu, wāhi taonga and sites of significance), historic heritage sites (including archaeological sites) and ecological sites.
  - g. Composition and characteristics of any fill used.
2. In making an assessment, the following factors will be considered:
- a. The extent of removal of vegetation, topsoil, and subsoils at any one time.
  - b. Methods to separate soil horizons during stripping.
  - c. Measures to safeguard the life supporting capacity of stockpiled soils.
  - d. The potential or increased risk of hazards from the activity, including potential risk to people or the community.
  - e. Sediment control measures, including measures to prevent sediment runoff into Council's reticulated network.
  - f. Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, re-pasturing and revegetation).
  - g. Land capability and potential end uses of the site.
  - h. Information on any relocation of fill on or offsite.
  - i. Siting, construction, and maintenance of internal access roads.
  - j. Effect on flow paths and floodways.
  - k. Measures to avoid the disturbance of wāhi tapu, wāhi taonga and sites of significance and archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand *Pouhere Taonga* Act 2014).

**EW-AM2 Visual Impact**

- 1. The visual effects of the activity will be assessed in terms of its potential effect on:
  - a. The residential or recreational (including tourism) use of land in the vicinity of the activity.
  - b. The existing character of the locality and amenity values.
- 2. In making that assessment, the following factors will be considered:
  - a. Planting, screening, and other amenity treatment to minimise visual impact.
  - b. Site location including locality, topography, geographical features, adjoining land uses.
  - c. Height of soil stockpiles and cuttings.
  - d. Rehabilitation of the site, including contouring, landscaping, and re-vegetation.
  - e. Duration, rate, and extent of extraction.
  - f. Lighting – intensity, direction, and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

**EW-AM3 Effects on Other Land Uses and Adjoining Properties**

- 1. The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses.

Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects.

Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

**EW-AM4          Noise**

1. In assessing the impact of noise, Council will consider the noise sensitivity of the receiving environment, including land uses on sites adjacent to where the activity is proposed to be undertaken. Consideration will also be given to hours of operation of the activity.

**EW-AM5          Effects on Roothing Network**

1. The extent to which the transport of cut and/or fill material resulting from or required for the earthworks (including earth, soil, clay, sand, and rock) off or onto the site will interfere with, or adversely affect the safe and efficient operation of the rooding network.

**EW-AM6          Effects on Watercourses, Waterbodies and on Recreation, Conservation or Significant Natural Areas**

1. The extent to which the activity will interfere with, or adversely affect:
  - a. Access to and along watercourses and waterbodies.
  - b. Outstanding waterbodies.
  - c. Recreation, conservation, or significant natural areas.

**EW-AM7          Effects within High Natural Character Areas, Outstanding Natural Landscapes and Features, and Significant Amenity Features**

1. The extent to which earthworks have been designed and located to minimise adverse visual effects and effects on the particular landscape values and characteristics of the identified natural character areas and landscapes. In particular, the extent to which any such proposal:
  - a. Minimises the location of large-scale earthworks on prominent rural ridgelines, hill faces and spurs, where practicable.
  - b. Minimises cuttings across hill faces and spurs.
  - c. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
  - d. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.



2. The extent to which earthworks will compromise values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.
3. Any cumulative adverse effects (for example, the modification to the existing area or landscape feature and its sensitivity or vulnerability to further change).

**EW-AM8 Additional Specific Assessment Matters for Mining, Quarrying and Exploration Activities Only**

1. Rehabilitation
  - a. The potential to rehabilitate the site after mining operations have been completed so that:
    - i. long term stability of the site is ensured;
    - ii. landforms or vegetation on finished areas are visually integrated into the landscape;
    - iii. land is returned to its original productive capacity, where appropriate;
    - iv. water and soil values are protected.
2. Vibration
  - a. The extent of the effects of vibration from the activity, particularly in respect of the use of explosives.
3. Roading and Transportation
  - a. The effects of transportation related to the activity will be assessed in terms of its potential effect on the sustainable management of the roading network including:
    - i. Disruption to traffic in the area.
    - ii. Traffic safety.
    - iii. Impact on the District roading network.
  - b. In making the assessment, the following factors will be considered:
    - i. Design of access.
    - ii. On-site parking and turning.
    - iii. The siting and construction standards of on-site roads and tracks.
    - iv. Maintenance or upgrading of roads or intersections in the vicinity of the activity.
    - v. Use of speed limits.
    - vi. Timing of work shifts.
4. Fire Hazard Mitigation
  - a. The ability of the activity to meet fire safety requirements including the possession of public liability insurance to cover the risk of fire.
5. Oil and Gas Exploration, Extraction and Production Activities
  - a. The following criteria relates to specific assessment involved with oil and gas exploration, extraction, and production. Assessment must be provided on the following:
    - i. The cumulative effects of multiple oil and gas wells and platforms.

- ii. Lighting and flaring and the extent to which alternative methods have been considered for controlling the adverse effects of these activities.
- iii. The location of oil and gas wells and platforms and their associated accesses, in relation to:
  - Residential activities on adjoining properties.
  - Sensitive activities.
  - Areas of cultural value, including wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3.
- iv. The location of infrastructure associated with the transmission of oil and gas.
- v. Consideration as to the likely length of each different stage of the proposal, and details on the processes in place once the well site is abandoned.
- vi. The consideration of the different effects between the exploration and production stages for oil and gas extraction.
- vii. The ability to provide a bond or contingency plan to the Council for rehabilitating operation areas in the event of early closure.
- viii. The suitability and maintenance of access, including on public roads, to and from the oil and gas well or platform, for all stages of the exploration, production, and extraction process.

#### **EW-AMX Electricity Safety Distances**

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

Commented [RM31]: S90.039 Centralines - Earthworks Topic, Key Issue 2

#### **Methods**

Methods, other than the above rules, for implementing the policies:

#### **EW-M1 Other Provisions in the District Plan**

Other sections of the District Plan contain additional rules and standards applying to earthworks:

1. HH – Historical Heritage and HH-SCHED2 – Schedule of Historical Heritage Items.
2. SASM – Sites and Areas of Significance to Māori and SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori – includes provisions relating to modification and disturbance of identified sites, including digging of offal pits and wastewater disposal and storage areas etc in close proximity to identified sites.
3. TREE – Notable Trees and TREE-SCHED4 – Schedule of Notable Trees – includes provisions around disturbance in the dripline of identified notable trees.

4. ECO – Ecosystems and Indigenous Biodiversity and ECO-SCHED5 – Schedule of Significant Natural Areas – includes provisions relating to trimming and modification of significant natural areas, including provisions for fencing and track maintenance works etc in these identified areas.
5. NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – includes provisions relating to construction of buildings in these identified landscape areas.
6. CE – Coastal Environment and CE-SCHED7 – Schedule of Areas of High Natural Character – includes policy provisions relating to identified areas of high natural character in the coastal environment.
7. NU – Network Utilities – includes provisions relating to the disturbance of land and vegetation associated with network utility operations.
8. SUB – Subdivision – includes assessment matters relating to earthworks associated with subdivisions.

#### **EW-M2 Erosion and Sediment Control Guidelines**

Hawke's Bay Regional Council's *Hawke's Bay Waterway Guidelines – Erosion and Sediment Control* (2009, HBRC Plan Number 4109), provides a range of on-site erosion and sediment control practices that can be implemented for a range of vegetation clearance and soil disturbance activities.

#### **EW-M3 Building Act 2004**

The Building Act prescribes additional controls regarding the quality and structural safety of soils when development under that Act is proposed. These controls provide measures to prevent slippage and subsidence.

#### **EW-M4 National Environmental Standards for Plantation Forestry 2017**

The National Environmental Standards for Plantation Forestry contains specific earthworks and forestry quarrying controls applying to plantation forestry.

#### **EW-M5 Heritage New Zealand Pouhere Taonga Act**

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if any activity such as earthworks, fencing or landscaping, mining, quarrying or hydrocarbon extraction may modify, damage, or destroy any archaeological site.

### **Principal Reasons**

The principal reasons for adopting the policies and methods:

The above provisions reflect the integral part earthworks and the mineral extraction industry play in the District's development but seek to control the design and location of such activities to ensure that any potential adverse effects are avoided, remedied, or mitigated.

Large scale earthworks, exploration and mining and quarrying activities are recognised as having the potential to cause significant adverse effects on the environment, including on the safety of people and property, the creation of new or exacerbating existing natural hazards, and on the visual amenity and character of the area where it occurs.

Where land disturbance or vegetation clearance occurs, disturbed areas will be required to be stabilised and revegetated to avoid the risk of soil erosion, and to ensure that the life-supporting capacity of the soil is safeguarded. This will also help to ensure that adverse effects on the character and visual amenity of the area are avoided or remedied.

The Rural Production Zone encompasses the identified concentration of highly productive land in Central Hawke's Bay. Where possible highly productive soils within this zone, particularly topsoils, should be protected from stripping, stockpile, and removal off-site.

The Building Act 2004 has its own requirements regarding the control and safety of earthworks. Such provisions are more specific for the associated activities. Therefore, the District Plan aims to avoid duplicating regulatory control in this respect.

### Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- EW-AER1**      **The risks of soil erosion, sediment runoff, subsidence or inundation on people and property, and waterbodies, are avoided.**
  
- EW-AER2**      **The life-supporting capacity of soils is safeguarded.**
  
- EW-AER3**      **The visual amenity and character of the District's landscape is not reduced or compromised by earthworks or mineral extraction activities.**
  
- EW-AER4**      **The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction.**
  
- EW-AER5**      **The District's economy is diversified and enhanced by the efficient and effective use of the District's mineral resources.**